CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

SEPTEMBER 6, 2005

INVOCATION:
Rev. Steve Felton of the Church of the Nazarene gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Patino, Trujillo, and Mayor Lavagnino.

MEMBERS ABSENT:
Councilmember Orach.

STAFF MEMBERS PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Trujillo, Police Chief Macagni, Director of Administrative Services Snodgrass, Director of Community Development Lindsey, Fire Chief Ortiz, Director of Recreation and Parks Posada, Director of Public Works Karp, Director of Utilities Chisam, Planner III Shipsey, Senior Civil Engineer Nybo, and Chief Deputy City Clerk Perez.

Mayor Lavagnino asked for a report on what the City of Santa Maria was doing to assist the region effected by Hurricane Katrina.

City Manager Ness explained that the City had dispatched five City employees to the Gulf Coast, four from the Fire Department, and one part-time employee from the inspection division. They were typically 14 to 21 day assignments. In addition to that, one of the Recreation Services Managers is also responding as a trained Red Cross volunteer. The City sent out a press release last Friday under the Mayor's signature announcing these actions. The Mayor is encouraging all non-profit organizations and residents of the City to dig deep to contribute to those organizations supporting the cause in the Gulf Coast. The City is also establishing a payroll deduction plan for City employees to contribute monies that will be forwarded to the disaster recovery effort.

Councilmember Patino announced that she had been in contact with Jim Glines of Community Bank of Santa Maria about setting up a fund in Santa Maria for people to donate. The City would be setting up an account, the Bush-Clinton-Katrina fund, through the Community Bank. Councilmember Patino presented a check to start the account.

Camille Edie, Community Bank of Santa Maria, stated the bank was setting up a separate account and anyone could come into the bank in Santa Maria or Lompoc to make donations. She announced that the Community Bank was donating $500 to the account.

Councilmember Patino stated that this would be an on-going thing, and every month or so the City would be writing a check that would go to the Governors of these states to help with the recovery effort.

Mayor Lavagnino announced that Mr. Glines and several businessmen from Santa Maria were setting up an auction, barbecue, and dance at the Santa Maria Elks Club on October 8th. All of those funds would be sent to the people in the New Orleans area.

Councilmember Patino also announced that on Monday, between 9:00 a.m. and 11:00 a.m., at Home Depot, Southern California Gas Company would be sponsoring a blood drive in conjunction with Tri-Counties Blood Bank and the Red Cross and would take donations of both blood and money.

Councilmember Mariscal stated one of the things that he saw from watching the news this week was that the people had no place to go and didn't know what to do. Every City has a disaster plan. The City may know what the plan is, but the citizens may not know. In New Orleans, there were systems set up, but not everyone knew what to do. He requested the City start disseminating the information regarding the City's disaster plan. The City needs to be looking at the different things that could affect this area such as Diablo Canyon Nuclear Power Plant to the north, Vandenberg Air Force Base to the south, and the Santa Maria River Levee which is over 50 years old. The City also needs to evaluate its plan relative to what has happened in the Gulf Coast. The City really needs to look at doing something about the levee. There are a lot more homes in close proximity of the levee than ever before.

Councilmember Trujillo requested that in the future, the relief agencies provide the City with a total amount of how much money was collected from the citizens of Santa Maria.

RESOLUTION COMMENDING PHYLLIS RODENBERGER
Councilmember Patino read a resolution commending Phyllis Rodenberger for her many years of dedicated service to the residents of Santa Maria as a member of the Block Grants Advisory Committee.

Resolution No. 2005-131 was adopted on motion by Councilmember Mariscal, second by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Mariscal, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmember Orach
ABSTAIN:	None

Resolution No. 2005-131 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECOGNIZING AND COMMENDING PHYLLIS RODENBERGER FOR HER OUTSTANDING SERVICE TO THE RESIDENTS OF SANTA MARIA AS A MEMBER OF THE BLOCK GRANTS ADVISORY COMMITTEE.

SANTA MARIA'S 100TH ANNIVERSARY
Mayor Lavagnino read a proclamation declaring September 12, 2005, as "Santa Maria's 100th Anniversary" and acknowledging the City of Santa Maria's Centennial Celebration and urging all residents to support, promote and participate in the Centennial activities. The proclamation was accepted by Dorothy Benford and Joyce Chrisman.

LA GUITARRA DAYS
Councilmember Mariscal read a proclamation declaring September 23 – 25, 2005, as "La Guitarra Days" in the City of Santa Maria, and encouraging all residents to take part in the three-day music festival to be held at Cuesta College. The proclamation was accepted by Russ De Angelo, Festival Director, and Chic Gilchrist, President of the Cuesta Guitar Circle.

SUICIDE PREVENTION DAY
Councilmember Trujillo read a proclamation declaring September 22, 2005, as "Suicide Prevention Day" in the City of Santa Maria and encouraging the residents of Santa Maria to recognize that suicides are a public health problem and suicide prevention is a community responsibility. The proclamation was accepted by Joni Kelly and Gina Carvalho.

PUBLIC COMMENT
Ernest Armenta spoke regarding the City Council's budget and what that paid for. He requested a report of what benefits each Councilmember was receiving.

Tom Urbanske spoke regarding prescription benefits under Medicare and distributed information flyers about HICAP (Health Insurance Counseling and Advocacy Program) where people could get assistance and answers to their questions. He also talked about the Santa Maria River Levee and affordable housing.

Nicholas Anderson spoke regarding the Meridian apartments and the City's lack of response to his allegations.

City Attorney Trujillo announced that his office had invited Mr. Anderson on three separate occasions to meet with him. Mr. Anderson has not lived in the Meridian Apartments for over three years. Code Compliance Supervisor Garcia recently made an inspection of the premises and found no code violations.

Wayne Huckelberry spoke regarding the Quail Run Annexation petition on the Consent Agenda and asked that the City keep the residents of Quail Meadows West Mobile Home Park informed of what was happening and how they would be affected.

Tom Urbanske also spoke regarding the Quail Run Annexation petition and said he thought the City would provide much better service to the residents of the area than they were currently receiving from the County.

City Manager Ness provided an overview of the annexation process.

CONSENT CALENDAR
Councilmember Mariscal requested Item 3J – Quail Run Annexation petition - be pulled for discussion.

Councilmember Mariscal referenced a statement in the Agenda Report that said the annexation petition did not include 100 percent of the property owners and asked what that meant.

Planner III Shipsey explained that if the petition included 100 percent property owner support, the annexation process through the Local Agency Formation Commission (LAFCo) was expedited.

Councilmember Mariscal commented that the proposal was to develop the five acre site north of Quail Meadows West as mobile home sites. He explained to Mr. Huckelberry that this was just the first step in a long process, and the residents of the area would have plenty of opportunities for input.

Councilmember Trujillo suggested the City Attorney investigate whether the City could annex the mobile home parks and keep the County's mobile home rent control provisions in place.

Consent Calendar Items A through N were approved with the indicated action on motion by Councilmember Trujillo, seconded by Councilmember Mariscal, and carried on the following vote:

AYES:	Councilmembers Mariscal, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmember Orach
ABSTAIN:	None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of August 16, 2005, were approved as submitted.

C. RELEASE OF BOND
Certain public improvements were accepted as complete and a Faithful Performance Bond posted in connection with Meyer "A" Street Business Center, Tract 5829, in the reduced amount of $50,000 for the installation of public improvements was authorized for release with the order that the Contractor, Labor and Material Bond be held until March 2006 and the Guarantee and Defective Material Bond be held until September 2006.

D. ANIMAL CONTROL AGREEMENT
Resolution No. 2005-132 was adopted approving a one-year agreement with the County of Santa Barbara for animal control services.

Resolution No. 2005-132 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AGREEMENT WITH THE COUNTY OF SANTA BARBARA FOR ANIMAL CONTROL SERVICES.

E. WARRANTS
Warrant Nos. 122076 to 122502 in the amount of $3,458,902.70 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrants No. 121300 and 121966 were cancelled.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

G. ABC LICENSE
An application for an Alcoholic Beverage License in an existing warehouse (Central Coast Wine Warehouse) for H & H Wine and Others located at 2717 Aviation Way, E-42, was noted and filed.

H. ABC LICENSE
An application for an Alcoholic Beverage License in an existing warehouse (Central Coast Wine Warehouse) for Stephens Wine Cellars located at 2717 Aviation Way, F-1, was noted and filed.

I. ABC LICENSE
An application for an Alcoholic Beverage License in an existing warehouse for Paul Lato Wines located at 123 N. Depot Street was noted and filed.

J. QUAIL RUN ANNEXATION PETITION
The Quail Run Annexation petition was referred to the Planning Commission for a report to the City Council. The subject annexation consists of approximately 60 acres located contiguous to the southern boundary of the City Limits (Sunrise Hills Subdivision).

K. DBE PROGRAM PLAN
Resolution No. 2005-133 was adopted allowing the DBE goal of eight percent per Federal regulations and authorizing the City Manager to sign the revised City Disadvantaged Business Enterprise (DBE) Program Plan.

Resolution No. 2005-133 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE UPDATED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND ESTABLISHING AN ANNUAL DBE GOAL OF EIGHT PERCENT.

L. TREE MAINTENANCE CONTRACT
Resolution No. 2005-134 was adopted approving an agreement for the provision of Tree Maintenance Services by West Coast Arborists, Inc.

Resolution No. 2005-134 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AGREEMENT WITH WEST COAST ARBORISTS, INC. FOR TREE MAINTENANCE SERVICES.

M. ORDINANCE NO. 2005-11
Ordinance No. 2005-11 was introduced by title only for first reading and continued to the next meeting for second reading and adoption, adding Section 10-3.204 to Title 10 of the Santa Maria Municipal Code regarding an annual permit for specialty structures such as inflatable bounce houses.

Ordinance No. 2005-11 was introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING SECTION 10-3.204 TO TITLE 10 OF THE SANTA MARIA MUNICIPAL CODE.

N. INTENT TO ANNEX
Resolution No. 2005-135 was adopted expressing the Council's intent to annex the Houser Building into the Northwest Landscape Maintenance District; Marian Medical Urgent Care and La Brea Plaza into the Northeast Landscape Maintenance District; FBI Office Building, Celebration, and Betteravia Business Plaza into the South Miller Street/South College Drive Landscape Maintenance District; and Hebard Parcel Map, Jason Industrial Park, and PC Mechanical into the Southwest Landscape Maintenance District.

Resolution No. 2005-135 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, INITIATING PROCEEDINGS AND DECLARING THE INTENTION TO ANNEX TERRITORY TO ASSESSMENT DISTRICTS PURSUANT TO THE "LANDSCAPE AND LIGHTING ACT OF 1972" (HOUSER BUILDING, MARIAN MEDICAL URGENT CARE, LA BREA PLAZA, FBI OFFICE BUILDING, CELEBRATION, BETTERAVIA BUSINESS PLAZA, HEBARD PARCEL MAP, JASON INDUSTRIAL PARK AND PC MECHANICAL).

LA VENTANA, TRACT 5886
Director of Community Development Lindsey gave the staff report. The item is a recommendation from the Planning Commission to approve a Tentative Tract Map for La Ventana, Tract 5886, located on a 20-acre site at the northwest corner of Main Street and Fremont Street. The Tentative Tract Map would create a 110-lot subdivision with 57 lots under the 6,000 square foot minimum lot size permitted in the R-2 zoning district. Tentative maps are normally approved by the Planning Commission. However, since the proposed project has lot sizes less than 6,000 square feet, the tentative map must be approved by the City Council. On August 3, 2005, the Planning Commission held a public hearing on the proposed project and adopted Resolution No. 2379 recommending the City Council approve the tentative map. The City Council approved a General Plan Amendment and Zone Change for the subject property on March 1, 2005. To the immediate north of the site is Pioneer Valley High School's ball fields and across Main Street to the south are agricultural fields located within the County of Santa Barbara. A Planned Development Permit is being processed concurrently with the tentative map. The Planning Commission is scheduled to take final action on the PD Permit on September 7, 2005.

Mayor Lavagnino opened the public hearing.

Bill Isaman, Inland Pacific Builders, presented elevations of the proposed project and provided an overview of the proposal.

James Watson suggested reducing the larger lots to put more homes in the development.

Ernest Armenta asked why an Environmental Impact Report for the project had not been done.

Director of Community Development Lindsey explained that when there were documents available that were up-to-date, the City and all lead agencies, could use those documents to make environmental determinations.

Mr. Armenta asked if the developer was being required to provide compensation to improve the Main Street/Highway 101 interchange.

City Engineer Sweet replied that there were mitigations to the Donovan Road/Highway 101 interchange required.

Mr. Armenta asked about a letter from the County Fire Protection District regarding previous oil activities.

Director Lindsey responded that the site had no history of oil activities, and the letter was a standard letter from the District.

Mr. Armenta also asked if developers were being required to contribute to improvements to the Santa Maria River Levee.

Mayor Lavagnino explained that the levee was under the jurisdiction of the Santa Barbara Flood Control District and every tax payer paid a portion of their property taxes to the District.

There being no further comments, Mayor Lavagnino closed the public hearing.

Councilmember Mariscal thanked Inland Pacific Builders for the design of the project. The original proposal was for all single family homes. This proposal added a lot more homes. He also thanked them for putting in the blacktop walkway for the students of Pioneer High School.

Resolution No. 2005-136 was adopted approving the Tentative Map for La Ventana, Tract 5886, on motion by Councilmember Mariscal, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Mariscal, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmember Orach
ABSTAIN:	None

Resolution No. 2005-136 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE TENTATIVE MAP FOR LA VENTANA, TRACT 5886, LOCATED AT THE NORTHWEST CORNER OF MAIN STREET AND FREMONT STREET.

DISCUSSION AND EVALUATION OF TRAFFIC ACCIDENTS

Police Chief Macagni gave the staff report. Traffic fatalities within the City of Santa Maria have increased to nine this year up from six in 2004, one in 2003, one in 2002, and five in 2001. Alcohol was a factor in six of the nine accidents. Roadway design, facilities and maintenance were not factors in any of the fatalities. The total number of accidents seems to be on a steady increase. This could be a result of increasing population and a corresponding rise in average daily traffic. Extrapolating data for this year to date seems to indicate that the total number of accidents this year will not exceed the total number of those that occurred last year or in 2003. Injury accident rates for this year also seem to be the same or less than rates for the last two years. Pedestrian accidents are also occurring at the same or lessor rate this year than in the last three years. Two collision factors for this year have a slightly higher percentage of the total number of accidents than prior years. Those are unsafe speed and driving under the influence of alcohol and/or drugs (DUI). Increased enforcement and public education have proven to be effective measures to decrease the occurrence of these

two collision factors in the past. An action plan has been developed which includes as its notable features a public information campaign, increased enforcement, legislative efforts, and to seek an increase in traffic safety grant funding. He also mentioned the Department was investigating the feasibility of installing cameras at certain intersections and talked about the cost involved.

Mayor Lavagnino commended the Police Department for its efforts. He said he wished drivers would slow down and take their time.

James Watson asked if the City's cameras could work better when the Police Department, Fire Department, or ambulances were going on calls because drivers did not move out of the way.

Mayor Lavagnino explained that the City did not have cameras on the traffic signals. It did have sensors on the Broadway and Main Street signals so the emergency vehicles could turn the lights green.

Ernest Armenta asked how the speed limits were set, and if it was the Engineering staff that determined the speed limits.

Director of Public Works Karp explained that speed limits were set by state law at the 85 percentile of the speed drivers were driving.

Chief Macagni further explained that if the City did not use the 85 percentile, it could not enforce the speed limit by use of radar.

Ernest Armenta said there had to be something else the City could do other than go after the drivers because that would hurt the relationship of the Police Department with the residents. He suggested an outside traffic consultant be hired to look at the City's streets and signals instead of relying on the City's staff. He also suggested the City look into taking over control of Main Street and Broadway from CalTrans.

Councilmember Trujillo said he would like to see more education in the schools, especially the high schools.

Councilmember Patino stated she did not know how much more education would help. She said according to the report the problem was speeders and people driving under the influence, and she didn't think the Police Department could have a good relationship with those people. She suggested doing check point inspections during the week instead of only on weekends.

Councilmember Mariscal asked why the category for signals and signs in the report wasn't listed in some years.

Chief Macagni explained that the categories were moving targets in some years and not in others. Speed may be the number one cause of accidents in one year, but that may not be the case the next year. People violating the law was the problem and that was what the Police Department needed to address.

Councilmember Mariscal stated one of the things he had suggested was layering the fines so the City of Santa Maria would receive more money, but he was informed that was not allowable. He said it would only take eight cars being cited a day at an intersection to pay for the cost of cameras at that intersection.

Chief Macagni stated he was looking into the feasibility of cameras and which intersections to consider. He said it was more feasible now than several years ago because the technology had improved and the challenges in court had been settled.

Resolution No. 2005-137 was adopted authorizing the pursuit of educational and enforcement efforts to decrease numbers of traffic accidents on motion by Councilmember Mariscal, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Orach
ABSTAIN: None

Resolution No. 2005-137 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA TO PURSUE EDUCATIONAL AND ENFORCEMENT EFFORTS TO DECREASE TRAFFIC ACCIDENTS AND PREVENT THE FURTHER LOSS OF LIFE.

REPORT BY CITY MANAGER
City Manager Ness announced that all flags would be flown at halfmast pursuant to the President's proclamation in honor of the Gulf Coast victims. He reported on items for the September 20, 2005, City Council meeting including a public hearing for the COPS Grant allocations, an appointment to the All-America City Committee, the revolving loan fund guidelines, and speed surveys.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS
Councilmember Patino said she wanted to thank all the people in the Armed Services who were not only fighting in Iraq, but also helping in the Gulf Coast region.

Councilmember Mariscal announced that on September 7th the Elks Lodge would be holding their annual Law Enforcement Recognition Night and next month they would be holding a similar event to recognize Fire Fighters in the area.

CLOSED SESSION
The City Council recessed to a Closed Session at 8:43 p.m. for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria and Pierce v. Santa Barbara County Association of Governments (SBCAG), and Conference with Legal Counsel regarding Threat of Litigation pursuant to Subsection (b)(3)(E) of Government Code Section 54956.9. 1 Matter.

After the Closed Session, the following was announced:

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report. No reportable action.

Pierce v. SBCAG – Direction to staff.

Threat of Litigation – Direction to staff.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 10:06 p.m. by order of Mayor Lavagnino.

APPROVED

September 20, 2005
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST
Chief Deputy City Clerk

Mayor of the City of Santa Maria